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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,525	12/30/2003	Jukka Linjama	850.0003.U1(US)	9227
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EXAMINER				
KE, PENG				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/750,525

**Applicant(s)**

LINJAMA, JUKKA

**Examiner**

SIMON KE

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 4/3/09.

Claims 26-49 are pending in this application. Claims 26, 34, 41, and 47 are independent claims.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 26-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 26, 34, 41, and 47 includes the limitation “determining the at least one directional component of the first tapping gesture;

determining a number of taps of the first tapping gesture;

in response to detecting the first tapping gesture, providing a feedback to confirm the first tapping gesture was detected, where the feedback is based upon the first tapping gesture,” which is not supported by the specification.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26, 27, 32-35, 40-42, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brosan Patent US 6,977,645 in view of Tierling Patent US 7,218,310 further in view of Kennedy et al. US 7,190,348.

As per claim 26, Brosan teaches a method comprising:

detecting a first tapping gesture on a surface of a device, where a tapping gesture comprises at least one directional component of three dimensional motion and at least one tap; (see Brosan, col. 2, lines 50-65)

determining the at least one directional component of the first gesture; (see Brosan, col. 4, lines 45-50)

in response to detecting the first gesture, providing a feedback to confirm the first tapping gesture was detected, where the feedback is based upon the first tapping gesture; (see Brosan, col. 4, lines 50-70) and

selecting a phone number based upon the first gesture. (see Brosan, col. 4, lines 30-45)

However, Orchard fails to teach providing a tactile feedback in response to said gesture detection to confirm a user that said gesture was detected.

Tierling teaches providing a tactile feedback in response to said gesture detection to confirm a user that said gesture was detected. (see Tierling col. 1, lines 50-60)

It would have been obvious to an artisan at the time of the invention to include Tierling's teaching with method of Orchard in order to provide user with physical feedback.

However, They fail to teach

determining a number of taps of the first gesture and taping; (see Brosan, col. 4, lines 50-70)

Kennedy teaches determining a number of taps of the first gesture and taping; (see Kennedy, col. 5, lines 25-65)

It would have been obvious to an artisan at the time of the invention to include Kennedy's teaching with method of Orchard in order to implement double click and single operations.

As per claim 27, Brosan, Tierling, and Kennedy teach the method of claim 26. Brosan further teaches the method comprising in response to detecting a second tapping gesture confirming the feedback, originating a communication with the selected phone number. (see Brosan, col. 6, lines 1-5)

As per claim 32, Brosan, Tierling, and Kennedy teach the method of claim 26. Brosan further teaches the emthod comprising providing a visual feedback based upon the first tapping gesture. (see Brosan, col. 4, lines 50-70)

As per claim 33, Brosan, Tierling, and Kennedy teach the method of claim 32, where the visual feedback comprises a menu structure. (see Brosan, col. 4, lines 50-70)

As per claim 34 and 35, they are rejected under the same rationale as claims 26 and 27.

As per claim 40, it is rejected under the same rationale as claim 32. *supra*.

As per claim 41 and 42, they are rejected under the same rationale as claims 26 and 27.

As per claim 45 and 46, they are rejected under the same rationale as claims 32 and 33.

As per claim 47 and 48, they are rejected under the same rationale as claims 26 and 27.

Claims, 28, 36, 43, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brosan Patent US 6,977,645 in view of Tierling Patent US 7,218,310 in view of Kennedy et al. US 7,190,348 further in view of Shearer 2004/0203351.

As per claim 28, Brosan, Tierling, and Kennedy teaches the method of claim 27. Brosan further comprising in response to receiving a third tapping gesture. (see Brosan, col. 4, lines 30-45

However, they fail to teach terminating the communication.

Shearer 2004/0203351 teaches terminating the communication. (see Brosan, paragraph 0023)

It would have been obvious to an artisan at the time of the invention to include Shearer's teaching with method of Brosan, Tierling, and Kennedy in order to provide user with ability end phone calls.

As per claims 36, 43, and 49, they are rejected under the same rationale as claim 28. *Supra*.

Claims 29, 38, 39, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brosan Patent US 6,977,645 in view of Tierling Patent US 7,218,310 in view of Kennedy et al. US 7,190,348 further in view of Langford US Publication 2003/0083020

As per claim 29, Brosan and Tierling teach the method of claim 26. They fail to teach where selecting a phone number comprises selecting an entry in a speed dial registry based upon the at least one directional component and the number of taps, where the entry comprises a phone number.

Langford teaches selecting a phone number comprises selecting an entry in a speed dial registry based upon the at least one directional component and the number of taps, where the entry comprises a phone number. (see Langford, paragraph 0014)

It would have been obvious to an artisan at the time of the invention to include Shearer's teaching with method of Brosan, Tierling, and Kennedy in order to provide user with ability to speed dial.

As per claim 38, Brosan and Tierling teach the device of claim 34. However they fail to teach the method further comprising a storage medium configured to store a speed dial registry.

Langford teaches the method further comprising a storage medium configured to store a speed dial registry. (see Langford, paragraph 0014)

It would have been obvious to an artisan at the time of the invention to include Shearer's teaching with method of Brosan, Tierling, and Kennedy in order to provide user with ability to speed dial.

As per claims 39 and 44, they are rejected under the same rationale as claim 29. Supra.

Claims 30, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brosan Patent US 6,977,645 in view of Tierling Patent US 7,218,310 in view of Kennedy et al. US 7,190,348 further in view of Fujitani US Patent 7170618

As per claim 30, Brosan and Tierling teach the method of claim 26. They fail to teach where determining the number of taps further comprises determining whether the tapping gesture is a double tap.

Fujitani teaches where determining the number of taps further comprises determining whether the tapping gesture is a double tap. (see Fujitani col. 9, lines 10-35)

It would have been obvious to an artisan at the time of the invention to include Fujitani's teaching with method of Brosan, Tierling, and Kennedy in order to provide user with ability to select item twice.

As per claim 37, it is rejected under the same rationale as claim 30. Supra.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brosan Patent US 6,977,645 in view of Tierling Patent US 7,218,310 in view Kennedy et al. US 7,190,348 further in view of Fitzsimmons US Publication 20030175667.

As per claim 31, Brosan and Tierling teach the method of claim 26. They fail to teach providing an audible feedback based upon the first tapping gesture.

Fitzsimmons teaches providing an audible feedback based upon the first tapping gesture. (see Fitzsimmons, paragraph 0352)

It would have been obvious to an artisan at the time of the invention to include Fitzsimmons' teaching with method of Brosan, Tierling, and Kennedy in order to provide user with audio feedback.

### ***Response to Arguments***

Applicant's arguments with respect to claims 26-49 have been considered but are moot in view of the new ground(s) of rejection.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke  
/Peng Ke/  
Primary Examiner, Art Unit 2174